

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

MOTOROLA, INC., MOTOROLA MOBILITY, INC.,
and GENERAL INSTRUMENT CORPORATION,

Defendants.

NO. 2-10-cv-01823-JLR

DECLARATION OF INDONG KANG IN
SUPPORT OF NONPARTY SAMSUNG'S
JOINDER IN DEFENDANT'S MOTION TO
SEAL DOCUMENTS AND EXCLUDE
UNAUTHORIZED PERSONS FROM THE
COURTROOM

I, Indong Kang, declare as follows:

1. I am Principal Engineer and IP Counsel in the IP Center at Samsung Electronics Co., Ltd. ("Samsung"). I have personal knowledge of the following facts and, if called as a witness, could and would testify competently thereto. I submit this declaration in support of nonparty Samsung's Joinder in Defendants' Motion to Seal Documents and Exclude Unauthorized Persons from the Courtroom.

2. I have been employed at Samsung since 1989. My responsibilities at Samsung include negotiating and managing patent licenses. I am therefore intimately familiar with Samsung's intellectual property licensing strategy and practices, Samsung's history of intellectual property licensing, Samsung's confidentiality policies and practices related to licensing, the types and nature of licenses and licensing documents at issue

1 here, and how they could be used by Samsung's competitors and other parties to
2 licensing negotiations with Samsung, if publicly disclosed.

3 3. I understand that two license agreements that Samsung entered into with
4 Motorola, Inc. ("the Samsung-Motorola licenses") (Trial Exs. 2769, 3238), and a meeting
5 presentation (Trial Ex. 3163) are at issue, among other documents, in Defendants'
6 motion to seal. I understand that the Court has scheduled trial in this matter to begin on
7 November 13, 2012, and that the parties may seek to introduce these documents or
8 confidential information from these documents.

9 4. These documents have not been disclosed to the public.

10 5. Samsung had consented to Motorola's request for disclosure of these
11 documents in this litigation on condition that the confidentiality of the information
12 contained in the documents would be maintained.

13 6. These documents contain highly sensitive, proprietary business information
14 regarding licensing terms and conditions. Public disclosure of this information would
15 provide an unfair strategic advantage to Samsung's competitors and other potential
16 licensing partners, by providing them with a one-sided negotiating advantage over
17 Samsung. This unfair advantage could substantially interfere with Samsung's ongoing
18 and future licensing negotiations.

19 I declare under penalty of perjury under the laws of the United States of America
20 that the foregoing is true and correct.

21 Executed on November 9, 2012 at Suwon, Korea.

22
23 

24 Indong Kang

CERTIFICATE OF SERVICE

I certify that on this 9th day of November, 2012, the foregoing document was electronically filed with the Clerk of the U.S. District Court for the Western District of Washington using the CM/ECF system, which will send notification of such filing to all parties of record.

DATED this 9th day of November, 2012.

s/ Linda J. Vandiver

Linda J. Vandiver, Legal Assistant
GORDON THOMAS HONEYWELL LLP